

1 BILL LOCKER, Attorney General
of the State of California
2 MARGARET A. LAFKO
Supervising Deputy Attorney General
3 KAREN L. GORDON, State Bar No.137969
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2073
Facsimile: (619) 645-2061
8
9 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

14 CATHERINE LYNN TINNION, R.N.
2214 Mayfair Ct.
15 Costa Mesa, CA 92627

16 Registered Nurse License No. 395230

17 Respondent.

Case No. 2007-183

OAH No.

A C C U S A T I O N

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about March 31, 1986, the Board of Registered Nursing issued
25 Registered Nurse License Number 395230 to Catherine Lynn Tinnion, R.N. (Respondent). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on August 31, 2007, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

....

(b) Considering suspension or revocation of a license under Section 490. Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

6. Section 490 of the Code states:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

7. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who hold a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree

1 of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit,"
4 "authority," and "registration."

5 8. Section 2750 of the Code provides, in pertinent part, that the Board may
6 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
7 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 9. Section 2761 of the Code states:

9 The board may take disciplinary action against a certified or
10 licensed nurse or deny an application for a certificate or license for any
11 of the following:

12 (a) Unprofessional conduct, which includes, but is not limited to,
13 the following:

14

15 (f) Conviction of a felony or of any offense substantially related
16 to the qualifications, functions, and duties of a registered nurse, in which
17 event the record of the conviction shall be conclusive evidence thereof.

18 10. Section 2762 of the Code states:

19 In addition to other acts constituting unprofessional conduct
20 within the meaning of this chapter [the Nursing Practice Act], it is
21 unprofessional conduct for a person licensed under this chapter to
22 do any of the following:

23 (a) Obtain or possess in violation of law, or prescribe, or
24 except as directed by a licensed physician and surgeon, dentist, or
25 podiatrist administer to himself or herself, or furnish or administer
26 to another, any controlled substance as defined in Division 10
27 (commencing with Section 11000) of the Health and Safety
28 Code or any dangerous drug or dangerous device as defined in
Section 4022.

11. California Code of Regulations, title 16, section 1444 states:

A conviction or act shall be considered to be substantially
related to the qualifications, functions or duties of a registered nurse
if to a substantial degree it evidences the present or potential unfitness
of a registered nurse to practice in a manner consistent with the public
health, safety, or welfare.

12. California Code of Regulations, title 16, section 1445 states:

(b) When considering the suspension or revocation of a license
on the grounds that a registered nurse has been convicted of a crime,

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1 the board, in evaluating the rehabilitation of such person and his/her
2 eligibility for a license will consider the following criteria:

3 (1) Nature and severity of the act(s) or offense(s).

4 (2) Total criminal record.

5 (3) The time that has elapsed since commission of the act(s) or offense(s).

6 (4) Whether the licensee has complied with any terms of parole,
7 probation, restitution or any other sanctions lawfully imposed against the
8 licensee.

9 (5) If applicable, evidence of expungement proceedings pursuant to
10 Section 1203.4 of the Penal Code.

11 (6) Evidence, if any, of rehabilitation submitted by the licensee.

12 DRUGS

13 13. Hydrocodone is the generic version of Vicodin and Norco and is a
14 Schedule II controlled substance under Health and Safety Code section 11055 (b) (1) (J).

15 FIRST CAUSE FOR DISCIPLINE

16 (Criminal Conviction for Obtaining a Controlled Substance and Commercial Burglary on
17 January 19, 2005 — Crimes Committed January 27th and 31st, 2004)

18 13. Respondent is subject to disciplinary action under sections 490 and
19 2761 (f) based on her conviction of crimes substantially related to the qualifications, functions,
20 and duties of a registered nurse. The circumstances are as follows:

21 14. On or about January 17th and again on January 31st, 2004, Respondent
22 entered Ramsey Drugs and picked up prescriptions for Hydrocodone, a controlled substance.
23 Respondent obtained Hydrocodone by telephoning in prescriptions to the pharmacy for herself,
24 posing as a nurse for her former employer, Dr. M.C., a physician.

25 15. On September 23, 2004 in the matter of *People v. Catherine Lynn Tinnion*,
26 Orange County Superior Court Case No. 04HF0880, Respondent was convicted on her plea of
27 guilty to felony violations of Health and Safety Code section 11173 (a) (Obtaining Controlled
28 Substance by Fraud—2 counts for January 27th and 31st, 2004) and Penal Code section 459
(Commercial Burglary).

1 16. On January 19, 2005 Respondent was sentenced and placed on 3 years
2 formal probation, ordered to attend and participate in Drug Court, serve 90 days custody in the
3 Orange County Jail (Supervised Electronic Confinement authorized), pay a restitution fine of
4 \$200, and comply with drug and other standard terms of probation.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Obtaining a Controlled Substance)**

7 15. Respondent is subject to disciplinary action under section 2762 (a) for
8 obtaining a controlled substance in violation of law as alleged above in paragraph 14.

9 **PRAYER**


10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 395230, issued
13 to Catherine Lynn Tinnion, R.N.

14 2. Ordering Catherine Lynn Tinnion, R.N. to pay the Board of Registered
15 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
16 Business and Professions Code section 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 12/29/06

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22 
23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant